

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	JOSHUA GREEN,	Case No. 3:20-cv-00363-RFB-WGC
4		Plaintiff
5	v.	ORDER
6	JAMES DZURENDA, <i>et al.</i> ,	
7		Defendants
8		

9 **I. DISCUSSION**

10 On June 17, 2020, Plaintiff, an inmate in the custody of the Nevada Department of
11 Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF
12 No. 1-1). Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an
13 application to proceed *in forma pauperis*.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin
15 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil
16 action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the
17 inmate must submit all three the following documents to the Court:

18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
19 Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on
20 page 3),
21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
22 official (i.e. page 4 of this Court’s approved form), and
23 (3) a copy of the **inmate’s prison or jail trust fund account statement for the**
24 **previous six-month period**.

25 The Court will grant Plaintiff a **one-time** opportunity to file a fully complete
26 application to proceed *in forma pauperis* containing all three of the required documents,
27 or in the alternative, pay the full \$400 filing fee for this action on or before **August 17,**
28 **2020**. Absent unusual circumstances, the Court will not grant any further extensions of

1 time. If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*
2 with all three required documents or pay the full \$400 filing fee on or before **August 17,**
3 **2020**, the Court will dismiss this case without prejudice for Plaintiff to file a new case with
4 the Court when Plaintiff is either able to acquire all three of the documents needed to file
5 a fully complete application to proceed *in forma pauperis* or pay the full \$400 filing fee.

6 To clarify, a dismissal without prejudice means Plaintiff does not give up the right
7 to refile the case with the Court, under a new case number, when Plaintiff has all three
8 documents needed to submit with an application to proceed *in forma pauperis*.
9 Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis*
10 and instead pay the full filing fee of \$400 on or before **August 17, 2020** to proceed with
11 this case. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the
12 Court will not file the complaint unless and until Plaintiff timely files a fully complete
13 application to proceed *in forma pauperis* with all three documents or pays the full \$400
14 filing fee.

15 **II. CONCLUSION**

16 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
17 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
18 as the document entitled information and instructions for filing an *in forma pauperis*
19 application.

20 IT IS FURTHER ORDERED that on or before **August 17, 2020**, Plaintiff will either
21 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
22 administrative fee) or file with the Court:

23 (1) a completed Application to Proceed in Forma Pauperis for Inmate on this
24 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
25 signatures on page 3),
26 (2) a Financial Certificate properly signed by both the inmate and a prison or jail
27 official (i.e. page 4 of this Court's approved form), and
28 (3) a copy of the inmate's prison or jail trust fund account statement for the

1 previous six-month period.

2 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
3 application to proceed *in forma pauperis* with all three documents or pay the full \$400
4 filing fee for a civil action on or before **August 17, 2020**, the Court will dismiss this action
5 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
6 when Plaintiff has all three documents needed to file a complete application to proceed
7 *in forma pauperis* or pays the full \$400 filing fee.

8 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
9 (ECF No.1-1) but will not file it at this time.

10 DATED: June 18, 2020

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12 UNITED STATES MAGISTRATE JUDGE

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